

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROL NOE,

Plaintiff,

-v.-

RAY REALTY et al.,

Defendants.

19 Civ. 01455 (JHR)

ORDER OF DISMISSAL

JENNIFER H. REARDEN, District Judge:

By order dated March 31, 2025, the Court adopted Magistrate Judge Tarnofsky’s Report and Recommendation recommending dismissal of all claims in Plaintiff’s amended complaint, dismissed the claims pursuant to Federal Rule of Civil Procedure 12(b)(6), and permitted Plaintiff, “by **April 30, 2025**, [to] file a second amended complaint[.]” ECF No. 226 at 5 (emphasis in original). The order specified that, “[i]f Plaintiff d[id] not file a second amended complaint, the case w[ould] be dismissed without further notice.” *Id.* at 6. On April 28, 2025, Plaintiff filed a notice of interlocutory appeal. ECF No. 227. On May 13, 2025, the United States Court of Appeals for the Second Circuit noted that “[Plaintiff’s] Form D-P due May 12, 2025, ha[d] not been filed” and “deemed [the case] in default of [Federal Rule of Appellate Procedure] 12(b) and [Local Rule] 12.3.” ECF No. 228. The Second Circuit cautioned Plaintiff that “the appeal w[ould] be dismissed effective June 3, 2025, if the Form D-P [was] not filed by that date.” *Id.* Plaintiff did not file the requisite form, and on June 5, 2025, the Second Circuit dismissed the appeal. *See Noe v. Ray Realty et al.*, No. 25-1132 (2d Cir., mandate issued, June 27, 2025).

Plaintiff has not filed a second amended complaint. Accordingly, the Court hereby dismisses the amended complaint, filed *in forma pauperis* (“IFP”), under 28 U.S.C.

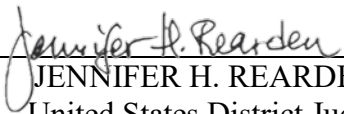
§ 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Pouncy v. Solotaroff*, No. 15 Civ. 8753 (LAP), 2025 WL 2095338, at *1 (S.D.N.Y. July 10, 2025) (citing *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962)).

The Court directs the Clerk of Court to close this case.

SO ORDERED.

Dated: August 8, 2025
New York, New York



JENNIFER H. REARDEN
United States District Judge